

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FREDRICK E. MCSWINE,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:23CV488

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Petitioner filed a Petition for Writ of Habeas Corpus, [Filing No. 1](#), on November 6, 2023. However, Petitioner failed to include the \$5.00 filing fee. Petitioner has the choice of either submitting the \$5.00 fee to the Clerk's Office or submitting a request to proceed in forma pauperis. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this Court. Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Petitioner.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to submit the \$5.00 fee to the Clerk's Office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

2. The Clerk of the Court is directed to send to Petitioner the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").

3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **December 11, 2023**: Check for MIFP or payment.

Dated this 9th day of November, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Joseph F. Bataillon
Senior United States District Court